Government of Saskatchewan

Annual Report 2001-2002

Saskatchewan
Justice

The Freedom of Information and Protection of Privacy Act

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Letter of Transmittal

August 1, 2002

Her Honour
The Honourable Dr. Lynda Haverstock
Lieutenant Governor of the Province of Saskatchewan

May It Please Your Honour:

In accordance with Section 63(1) of *The Freedom of Information and Protection of Privacy Act*, I have the pleasure to transmit to your Honour the 2001-2002 annual report of the administration of this Act and the regulations within each government institution during the period April 1, 2001 to March 31, 2002.

Respectfully submitted,

Chris Axworthy, Q.C.
Minister of Justice and
Attorney General

MANDATE

The Minister of Justice is the Minister Responsible for the administration of *The Freedom of Information and Protection of Privacy Act*. While the nature of the Act requires that decisions with respect to access to records and the management of personal information be made within each government institution governed by the Act, the Minister of Justice retains overall responsibility for its administration.

The Minister is required by the Act to:

- Produce and update as required, a directory of all government institutions, including a general description of their records and a contact person to whom applications for access may be sent (Section 64(1)).

- Make a copy of the directory available to any government office, public library and municipal office (Section 64(2)).

- Prepare and submit an annual report to the Speaker of the Assembly on the administration of the Act and the regulations, within each government institution (Section 63).

GOVERNING LEGISLATION

The Freedom of Information and Protection of Privacy Act was passed in June 1991 and proclaimed April 1, 1992.

The Act applies to all departments, secretariats and similar agencies of the executive government of Saskatchewan. The regulations extend that coverage to a broad range of Crown Corporations, Boards, Commissions and other bodies with government appointments.

The Act is really "two Acts in one".

First, the Act provides a right of access to records in the possession or control of provincial "government institutions".

Secondly, the Act establishes rules for how the government collects and deals with personal information.

The Act applies to records in all formats, eg: written, photographed, audiovisual, computer generated, etcetera.

DEPARTMENT OF JUSTICE RESPONSIBILITIES

On an ongoing basis, the Department of Justice provides direction and support to government institutions and to the public as it relates to *The Freedom of Information and Protection of Privacy Act*. The Department:

- monitors the administrative procedures, and recommends and implements changes as necessary;
- coordinates the preparation of the Annual Report, including the collection of quarterly statistics; and
- provides training on an ongoing basis.

INSTITUTIONS' RESPONSIBILITIES

The "Head" of a government institution is the person who has the authority to respond to applications for access. However, under Section 60 of the Act, the "Head" can delegate the powers to one or more officers (Access Officers) of the government institution.

Each government institution also has an Administrative Coordinator. The Coordinators are responsible for tracking the paper flow and dealing with the public on a one to one basis.

FEES

The Act states that an applicant who is entitled to access a record, may do so upon payment of a fee. The fee structure is outlined in Section 6 of *The Freedom of Information and Protection of Privacy Regulations*.

Each institution applies this fee structure when determining the fees to be paid by an applicant on application for access.

If the fees are greater than $50.00, the institution is required to give the applicant a reasonable estimate of the cost. The institution can also require the applicant to pay a deposit of up to one-half the estimated cost prior to providing access.

In certain circumstances the Head of an institution may waive payment of the fees, or any portion thereof. Those circumstances are outlined in Section 9 of the Regulations.

THE SASKATCHEWAN ACCESS DIRECTORY

Section 64 of *The Freedom of Information and Protection of Privacy Act* requires that a directory be produced and updated as reasonably required. The Directory is to contain a list of all government institutions, including a general description of the categories of records in the possession or under the control of each institution and the title and address of the appropriate officer for each institution to whom applications for access to records should be sent.

The Saskatchewan Access Directory was updated in March 2000 and was distributed to all government institutions.

This directory was developed to be as user friendly as possible. The introduction section of the Access Directory gives instructions on how to use the directory as well as a copy of the forms to be used.

It also provides a list of the address and telephone number of the Administrative Coordinator in each institution and a summary of the kinds of "common records" that are found in each government institution.

The next section is the largest and the most useful. It contains an entry for each institution covered under the Act and the Regulations.

The entries are arranged alphabetically by institution name. Each entry contains:

- the address of the head office;
- the institution's mandate;
- the institution's organization;
- the general classes or types of operational records;
- the types of personal information not included under Common Records/Common Personal Information; and
- the address and telephone number of the institution's Administrative Coordinator.

The remaining sections of the Access Directory provide an easy to use alphabetical subject index to assist in determining which institution might hold the type of record being requested and a copy of the Act.

This directory was distributed throughout the Province. All government institutions across the province as well as all the public libraries across the province have copies for public use.

REPORTS

The Department of Justice collects and reports on statistics generated by use of the Act. These reports provide statistics both by institution and government-wide. The reports are divided into two categories: General and Personal.

Applications for general information refer to records in the possession or under the control of a government institution other than those described as personal information in Section 24 of the Act.

Applications for personal information refer to records in the possession or under the control of a government institution described in Section 24 of the Act.

The following tables reflect the results of those reports.

Table A - Freedom of Information Statistical Summary Report

- provides information on the number of applications received government-wide, their status, the processing time in completing the applications, the fees estimated to process the request, the fees collected once access was provided, and the number of reviews requested by the Information and Privacy Commissioner for the fiscal years 1997-1998, 1998-1999, 1999-2000, 2000-2001 and 2001-2002.

Table B - Exemptions Used to Deny Access

- provides statistics on exemptions applied to deny access for the fiscal years 1997-1998, 1998-1999, 1999-2000, 2000-2001 and 2001-2002. These statistics are presented by mandatory exemptions, discretionary exemptions and other.

Table C - Freedom of Information Statistics by Institution - Applications for General Information

- provides statistics by institution on the number of general information requests received by each institution, the action taken on those requests, and the fees collected. If an institution is not listed, it did not receive any general information requests during the 2001-2002 fiscal year.

Table D - Freedom of Information Statistics by Institution - Applications for Personal Information

- provides the same information as above regarding the number of personal information requests received. Again, if an institution is not listed, it did not receive any personal information requests during the 2001-2002 fiscal year.

TABLE A
FREEDOM OF INFORMATION STATISTICAL SUMMARY REPORT
1997-1998 to 2001-2002

	1997-98 Fiscal Year		1998-99 Fiscal Year		1999-00 Fiscal Year		2000-01 Fiscal Year		2001-02 Fiscal Year	
	Personal	General	Personal	General	Personal	General	Personal	General	Personal	General
Applications Received	102	458	124	460	83	332	125	273[1]	141	271
Plus: Applications Carried Forward From Last Year	7	24	3	21	5	42	7	25	8	57
Less: Applications Withdrawn	0	8	0	8	4	11	3	10	5	18
Applications Carried Forward to Next Year	3	21	5	42	7	25	8	57[1]	7	41
TOTAL APPLICATIONS PROCESSED	106	453	122	431	77	338	121	231	137	269
APPLICATIONS STATUS										
Access Granted	44	267	39	282	26	198	40	119	37	148
Access Denied	18	39	30	50	28	27	34	28	56	41
Partially Granted	26	51	39	42	16	64	35	49	28	36
Do Not Require FOI for Access	1	19	1	12	1	9	6	9	2	3
Records Do Not Exist	12	77	10	42	6	34	5	25	11	40
Records Could Not Be Found	5	0	3	3	0	6	1	1	3	1
TOTALS	106	453	122	431	77	338	121	231	137	269
PROCESSING TIME OF APPLICATIONS COMPLETED										
Processed Within 30 Days	91	385	104	381	67	278	100	194	101	239
Processed Within 31-60 Days	15	50	14	41	10	56	13	34	27	25
Processed In More than 60 Days	0	18	4	9	0	4	8	3	9	5
Total Fees Estimated [2]	$2697.00	$104117.00	$1437.00	$31495.00	$770.00	$92958.50	$1330.00	$329378.00	$252.50	$18933.75
Total Fees Collected [2]	$178.00	$1389.00	$110.00	$1705.00	$0.00	$2910.75	$1090.00	$1903.00	$202.50	$1669.75
Requests for Review by Information & Privacy Commissioner	3	12	3	9	5	7	5	10	6	12

[1] The 2000-2001 statistics for applications received and applications carried forward have been adjusted by one (as compared to the statistics presented in the 2000-2001 Annual Report). This adjustment reflects an amendment requested by an institution in fall 2001.

[2] The total fees estimated can vary significantly from the total fees collected. The total fees estimated is the cost assessed to process applications as determined by the fee structure outlined in the Regulations. The total fees collected refers to fees actually collected from the applicants. The applicant has several options in regard to the fees. The applicant can: modify the application in order to reduce the costs, request a waiver of the fees, or decide not to pay the fees and therefore not receive access to the records. The Regulations (Section 9) are very specific regarding the types of circumstances in which the "Head" can waive fees.

TABLE B

EXEMPTIONS USED TO DENY ACCESS

1997-1998 to 2001-2002

MANDATORY EXEMPTIONS	Section	1997-98 Fiscal Year	1998-99 Fiscal Year	1999-00 Fiscal Year	2000-01 Fiscal Year	2001-02 Fiscal Year
Records From Other Governments	13(1)	2	1	1	3	9
Cabinet Documents	16	9	2	3	5	47
Third Party Information	19	75	92	47	34	92
Confidentiality Provisions in Other Enactments	23	15	23	24	19	30
Disclosure of Personal Information	29	41	28	20	23	20
Personal Information of a Deceased Individual	30	0	0	0	0	3
TOTALS		142	146	95	84	201
DISCRETIONARY EXEMPTIONS	**Section**					
Records from Local Authorities	13(2)	6	3	4	3	3
Information Injurious to Intergovernmental Relations	14	0	0	1	0	2
Law Enforcement and Investigations	15	55	65	41	31	110
Advice from Officials	17	58	56	73	50	156
Economic and Other Interests	18	52	16	10	34	59
Testing Procedures, Tests and Audits	20	4	13	0	6	2
Danger to Health or Safety	21	0	1	0	0	1
Solicitor- Client Privilege	22	34	15	12	10	22
Individual's Access to Personal Information	31(2)	0	0	1	2	0
TOTALS		209	169	142	136	355
OTHER EXEMPTIONS	**Section**					
Not a Government Institution	2(1)d	0	1	0	0	0
Published Material or Public Record	3(1)a,b	0	3	1	13	0
Existing Rights Preserved	4	1	1	0	0	0
Right of Access Defined	5	0	0	0	0	0
Unable to Identify a Record	6(3)	0	0	0	1	0
Published Material or Material that is to be Published	7(2)b,c	0	4	0	1	9
Records do not Exist	7(2)e	89	52	42	30	44
Refuse to Confirm/Deny Records Exist	7(4)	3	0	1	2	1
TOTALS		93	61	44	47	54

Note: **The numbers in these columns indicate every time an exemption was used to deny access fully or in part. The exemption may be used several times in relation to an individual application and more than one exemption may be used for each application.**

TABLE C - 2001-2002 FISCAL YEAR

FREEDOM OF INFORMATION STATISTICS BY INSTITUTION - GENERAL INFORMATION

Institution	Application Carried Forward From Last Year	Total # Requests Received This Year *	Granted	Denied	Partially Granted	Act Not Required	Records Do Not Exist	Records Not Found	Application Withdrawn	Application Carried Forward to Next Year	Fees Collected
Agriculture and Food	2	9	4	1	0	0	1	0	1	2	$ 192.50
Crown Investments Corporation	3	11	5	0	0	0	4	0	0	2	$ 0.00
Culture, Youth and Recreation	1	1	0	0	1	0	0	0	0	0	$ 12.25
Economic and Co-operative Development	2	3	0	0	1	0	0	0	2	0	$ 0.00
Education	1	10	9	0	0	0	0	0	0	1	$ 0.00
Energy & Mines	1	3	2	1	0	0	0	0	0	0	$ 0.00
Environment and Resource Management	2	34	12	4	2	0	4	0	3	9	$ 210.00
Executive Council	4	8	3	1	1	0	2	0	0	1	$ 9.25
Finance	1	11	7	3	0	0	1	0	0	0	$ 340.25
Health	4	25	5	4	4	0	7	1	2	2	$ 360.00
Highways and Transportation	2	5	3	0	0	0	0	0	2	0	$ 0.00
Intergovernmental and Aboriginal Affairs	2	2	2	0	0	0	0	0	0	0	$ 0.00
Justice	2	36	4	10	4	1	7	0	0	10	$ 0.00
Labour	2	28	13	3	7	0	1	0	1	3	$ 0.00
Liquor and Gaming Authority	2	15	7	7	1	0	0	0	0	0	$ 0.00
Municipal Affairs and Housing	1	12	6	0	1	1	3	0	1	0	$ 14.75
Northern Affairs	1	1	1	0	0	0	0	0	0	0	$ 0.00
Post-Secondary Education and Skills Training	0	4	4	0	0	0	0	0	0	0	$ 0.00

TABLE C - 2001-2002 FISCAL YEAR (CONTINUED)
FREEDOM OF INFORMATION STATISTICS BY INSTITUTION - GENERAL INFORMATION

Institution	Application Carried Forward From Last Year	Total # Requests Received This Year *	Granted	Denied	Partially Granted	Act Not Required	Records Do Not Exist	Records Not Found	Application Withdrawn	Application Carried Forward to Next Year	Fees Collected
Public Service Commission	1	3	2	0	0	0	0	0	1	0	$ 0.00
Sask. Centre of the Arts	0	2	2	0	0	0	0	0	0	0	$ 0.00
Sask. Communications Network	1	2	2	0	0	0	0	0	0	0	$ 0.00
Sask. Crop Insurance Corporation	0	1	1	0	0	0	0	0	0	0	$ 0.00
Sask. Government Growth Fund Management Corporation	0	1	1	0	0	0	0	0	0	0	$ 0.00
Sask. Government Insurance	1	14	5	1	7	0	0	0	1	0	$ 0.00
Sask. Human Rights Commission	1	1	0	0	0	0	1	0	0	0	$ 0.00
Sask. Information Services Corporation	0	3	3	0	0	0	0	0	0	0	$ 0.00
Sask. Legal Aid Commission	0	1	1	0	0	0	0	0	0	0	$ 0.00
Sask. Municipal Board	0	1	1	0	0	0	0	0	0	0	$ 0.00
Sask. Pension Plan	0	1	0	0	0	1	0	0	0	0	$ 0.00
Sask. Police Commission	0	2	0	0	0	0	0	0	0	2	$ 0.00
Sask. Power Corporation	2	19	13	1	1	0	2	0	0	2	$ 0.00
Sask. Property Management Corporation	2	10	3	1	0	0	1	0	0	5	$ 110.75
Sask. Telecommunications	6	17	11	1	1	0	1	0	3	0	$ 0.00
Sask. Transportation Company	1	5	2	0	3	0	0	0	0	0	$ 0.00
Sask. Water Corporation	2	9	2	3	0	0	2	0	1	1	$ 0.00

TABLE C - 2001-2002 FISCAL YEAR (CONTINUED)
FREEDOM OF INFORMATION STATISTICS BY INSTITUTION - GENERAL INFORMATION

Institution	Application Carried Forward From Last Year	Total # Requests Received This Year *	Granted	Denied	Partially Granted	Act Not Required	Records Do Not Exist	Records Not Found	Application Withdrawn	Application Carried Forward to Next Year	Fees Collected
SaskEnergy Incorporated	2	11	7	0	2	0	2	0	0	0	$ 420.00
Social Services	1	2	1	0	0	0	0	0	0	1	$ 0.00
Women's Secretariat	1	1	0	0	0	0	1	0	0	0	$ 0.00
Workers' Compensation Board	3	4	4	0	0	0	0	0	0	0	$ 0.00
Totals	**57**	**328**	**148**	**41**	**36**	**3**	**40**	**1**	**18**	**41**	**$ 1,669.75**

*Includes requests carried forward from previous fiscal year.

TABLE D - 2001-2002 FISCAL YEAR

FREEDOM OF INFORMATION STATISTICS BY INSTITUTION - PERSONAL INFORMATION

Institution	Application Carried Forward From Last Year	Total # Requests Received This Year*	Granted	Denied	Partially Granted	Act Not Required	Records Do Not Exist	Records Not Found	Application Withdrawn	Application Carried Forward to Next Year	Fees Collected
Agriculture and Food	0	2	1	1	0	0	0	0	0	0	$202.50
Crown Investments Corporation	1	3	1	0	2	0	0	0	0	0	$0.00
Environment and Resource Management	0	2	1	0	0	0	1	0	0	0	$0.00
Finance	0	13	13	0	0	0	0	0	0	0	$0.00
Health	0	3	1	0	0	0	1	0	0	1	$0.00
Justice	0	17	3	4	1	1	4	0	2	2	$0.00
Liquor and Gaming Authority	0	2	1	1	0	0	0	0	0	0	$0.00
Post-Secondary Education and Skills Training	0	2	0	0	0	0	0	0	2	0	$0.00
Public Service Commission	0	1	0	0	0	0	0	0	0	1	$0.00
Sask. Archives Board	0	1	0	0	0	1	0	0	0	0	$0.00
Sask. Government Insurance	2	36	4	10	19	0	1	1	0	1	$0.00
Sask. Human Rights Commission	1	2	0	0	2	0	0	0	0	0	$0.00
Sask. Opportunities Corporation	0	1	0	1	0	0	0	0	0	0	$0.00
Sask. Power Corporation	0	1	1	0	0	0	0	0	0	0	$0.00
Sask. Telecommunications	0	1	1	0	0	0	0	0	0	0	$0.00
Social Services	4	40	10	21	4	0	0	2	1	2	$0.00
Workers' Compensation Board	0	22	0	18	0	0	4	0	0	0	$0.00
Totals	**8**	**149**	**37**	**56**	**28**	**2**	**11**	**3**	**5**	**7**	**$202.50**

*Includes requests carried forward from previous fiscal year.

APPEALS TO THE INFORMATION AND PRIVACY COMMISSIONER

Section 49 of *The Freedom of Information and Protection of Privacy Act* provides a right of review to applicants by the Information and Privacy Commissioner in the event access to information is refused on the following basis:

- where an applicant is not satisfied with the decision of a head ...;
- where a head fails to respond to an application for access to a record within the required time; or
- where an applicant requests a correction of personal information ... and the correction is not made.

During the 2001-2002 fiscal year, the Information and Privacy Commissioner advised government institutions of his review of eighteen of the decisions made by access officers refusing access to records.

In some instances the Commissioner upheld the decisions to deny access and in others he recommended that access be granted.

Where the Commissioner recommends that access be granted, the government institution involved must reconsider the question of access and determine whether to accept the recommendation. This is not an easy decision, since the original decision to deny access was carefully made.

Further details on these reviews can be obtained from the Information and Privacy Commissioner's Annual Report.